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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,040	11/07/2001	Kenichi Ariga	017446-0321	4748
22428	7590	12/15/2004	EXAMINER	
FOLEY AND LARDNER				SHAH, KAMINI S
SUITE 500				
3000 K STREET NW				
WASHINGTON, DC 20007				
				ART UNIT
				PAPER NUMBER
				2142

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/986,040	ARIGA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kamini S Shah	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 September 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachments(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/07/01; 9/20/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Peterson et al US 6,594,682.

Regarding to claimed invention, Peterson et al teaches data distribution method of distributing data selected for each plurality of user terminals from a distribution center (such as 24 (1)-(N) and element 26 for distribution center, see Figure 1) to each user terminal through a communication network (such as Web servers 22 (1)-(M), figure 1), comprising the steps of notifying the distribution center of contents of user operation for the data distributed to the user terminal (such as scheduling subsystem to schedule a time to obtain the Web content from the server and generating event notification, as in abstract, lines 1-5 and block 202, figure 7); causing the distribution center to receive a notification from the user terminal (such as obtain Index and obtain Web content as in blocks 210 and 212 in figure 7;

selecting data to be subsequently distributed to the user terminal by using the contents of the user operation contained in the notification from the user terminal (such as block 220 in figure 7); and

distributing the selected data to the user terminal (such as block 222, figure 7).

Regarding claim 2, for claiming ID for identifying data, Peterson et al teaches notification generator 98 for generating event notification as in col. 9, lines 15-30.

Regarding claim 3 for claiming notifying distribution center when data is deleted, Peterson et al teaches indexing subsystem for notifying distribution for deleted data, see abstract, lines 12-18 and col. 9, lines 65- col. 10, lines 1-4.

Regarding claim 4, Peterson teaches Peterson et al discloses content indexing subsystem 120 to retrieve the index from the cache and present the index to a user through a user interface, also, the index lists the available Web content that is stored in the cache, and enables the user to select or reject types of content. The indexing subsystem 120 stores the user's preference in a preference store, see col. 10, lines 1-3 and lines 17-24.

Regarding claim 5, Peterson et al discloses filtering subsystem 130 for filtering the index and/or content at different phases which may be applied after both index and Web contents are retrieved, see col. 11,lines 30-38.

Regarding claims 6, 9, 11, claimed subject matter is similar to claim 1, and therefore is rejected for the similar reasons.

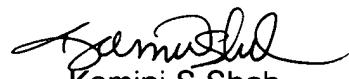
Regarding claims 7-8 and 10, with regard to table for storing data and table for updating and storing contents of user operation, Peterson teaches server 182 for filtering the

indexes using the server side filters 186 to create a customized index 190, and occasionally downloads the customized index to client, see col. 14, lines 35-39.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamini S Shah  
Primary Examiner  
Art Unit 2142

KSS